

**REMARKS**

**Office Action Summary**

**Disposition of Claims**

Claims 26-37 are pending. Claims 1-20 and 22-23 were cancelled previously. In this Amendment, claims 21, 24 and 25 are cancelled without prejudice to resubmit them in another application. Claims 27, 28, 31, 32, 35 and 36 are allowed, and claims 26, 29, 30, 33, 34 and 37 are rejected.

Claims 26, 30 and 34 have been amended to delete the word “derived.” This clarifies that the enzyme “is from” *Chryseobacterium*. The amendment is supported by, for example, Example 4 in the specification which shows that the enzyme can be derived from *Chryseobacterium*.

Accordingly, no question of new matter arises, and entry of the amendment is requested, respectfully.

**Information Disclosure Statement and Initialed Form PTO 1449**

The Examiner crossed out a reference to an abstract listed on PTO Form 1449 filed with the Information Disclosure Statement of May 31, 2001. The Examiner indicated that the author and publication were missing from the abstract.

Along with the abstract, applicants also submitted the European Search Report citing the abstract. The Search Report indicates that the abstract is a Derwent Publication and does not list an author. However, according to the Search Report, the abstract is based on a Japanese patent application. Accordingly, it is not believed that the author needs to be cited.

Accordingly, submitted herewith is a new PTO Form 1449 listing the abstract more completely, but still without the author.

The Examiner is respectfully requested to indicate consideration of the abstract by initialing the PTO Form 1449 submitted herewith.

**Detailed Action**

**Claim Rejections - 35 U.S.C. § 112**

(1) Claims 26, 30 and 34 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph as being indefinite. The Examiner asserted that reciting that the enzyme is "derived" from a particular source is unclear.

Claims 26, 30 and 34 have been amended to recite that the enzyme "is from" a microorganism belonging to the genus *Chryseobacterium*. This amendment is meant only to claim the subject matter more clearly, and is not meant to narrow the scope of the claims.

(2) Claims 29, 33 and 37 were rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph. The Examiner asserted that there is no support in the specification for the phrase "homology of 80% or more."

The Examiner has made a mistake. Express support for the phrase is found in the paragraph bridging pages 43 and 44 of the specification.

(3) Claims 21, 24-26, 29-30, 33, 34 and 37 were rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph. The Examiner asserted that the specification is only enabling for a method wherein the enzyme has SEQ ID NO: 6 and that there is a written description only for such method. The Examiner maintained that the specification does not teach how to isolate any enzyme from any source, or how to modify the enzyme, once isolated.

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Serial No. 09/727,769

Claims 21-24 and 25 have been cancelled. Furthermore, claims 26, 30 and 34 have been amended to indicate that the enzyme is from a microorganism belonging to the genus *Chryseobacterium*. Claims 29, 33 and 37 are now similar in scope to the scope of the claims of related U.S. Patent No. 6,251, 651, a copy of which is submitted herewith for the Examiner's convenience. Accordingly, applicants respectfully submit that all remaining claims are now allowable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

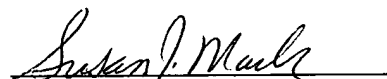
Respectfully submitted,

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WASHINGTON OFFICE

**23373**

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